

FEDERAL COMMUNICATIONS COMMISSION
445 12th STREET SW
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
APPLICATION STATUS: (202) 418-2730
HOME PAGE: www.fcc.gov/mb/audio/

PROCESSING ENGINEER: Edward Lubetzky
TELEPHONE: (202) 418-2700
FACSIMILE: (202) 418-1410/11
MAIL STOP: 1800B3-EAL
INTERNET ADDRESS: Edward.Lubetzky@fcc.gov

MAR 20 2007

Allan G. Moskowitz, Esq.
Kaye Scholer LLP
901 Fifteenth Street NW
Washington, DC 20005

In re: Tarrant Radio Broadcasting, Inc.
KZEE(AM), Weatherford, Texas
Facility ID Number: 56300
File Number: BP-20061115ACW

Dear Mr. Moskowitz:

This is in reference to the above-captioned application that you filed on behalf of Tarrant Radio Broadcasting, Inc. ("Tarrant"), licensee of AM station KZEE, Weatherford, Texas, to increase the station daytime and nighttime power and change the classification of station from Class D to Class B.¹

A preliminary engineering study of the application reveals that the proposal is in violation of Section 73.37(a) of the Commission's rules in that the proposed daytime 0.025 mV/m contour overlaps the daytime 0.5 mV/m contour of co-channel station KTLV(AM), Midwest City, Oklahoma, and the proposed daytime 0.25 mV/m and 0.5 mV/m contours respectively overlap the 0.5 mV/m and 0.25 mV/m contours of first-adjacent channel station KSEY(AM), Seymour, Texas. We note that Tarrant did not consider station KTLV(AM) in its engineering studies, and that the KSEY overlap resulted from the exclusion of the 320° and 340° measured radials submitted in the application which are unacceptable as they do not have any close-in measurement points as required by Section 73.186.

In addition, the proposal is in violation of Section 73.24(i)² in that the proposed nighttime interference free ("NIF") contour of 22.31 mV/m contour covers 6.6% of Weatherford. Tarrant states that the proposal is exempt from the nighttime requirement of Section 73.24(i) because it will serve an additional 2614 persons within the NIF of 23.56 mV/m and an additional

¹ KZEE(AM) is licensed as a Class D station with a daytime power of 490 watts, a nighttime power of 8 watts, using a non-directional antenna. This application proposes to increase the KZEE daytime power to 1.6 kilowatts, and nighttime power to 300 watts, using a different directional antenna system.

² Section 73.24(i) states that "...80% of the principal community is encompassed by the nighttime 5 mV/m contour or the nighttime interference-free contour, whichever value is higher...."

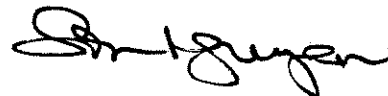
15,459 persons within the nighttime 5 mV/m contour.

We find that the Tarrant application is not exempt from Section 73.24(i). In the Report and Order *Unlimited-time Operation by Existing AM Daytime-Only Radio Broadcast Station; Discontinuance of Authorization of Additional Daytime-Only Stations, Minimum Power of Class III Stations*, MM Docket 87-131, released December 1, 1987, the Commission specifically states that "...we see no reason to provide such stations with an automatic exemption from the minimum principal city coverage requirement. The use of higher power has a preclusive effect on other possible uses of the station's assigned frequency elsewhere. Such preclusions are not justified, absent the minimum signal to the principal city. Increased power should make possible compliance with this requirement..." Thus, the rules when adopted weighted the public interest inherent in improved Class D coverage against the service requirement of a Class B station to establish Section 73.24(i).³

Accordingly, the application (File No. BP-20061115ACW) IS HEREBY DISMISSED as unacceptable for filing. This action is taken pursuant to Section 0.283.

In the Public Notice entitled "*Commission States Future Policy on Incomplete and Patently Defective AM and FM Construction Permit Applications*", FCC 84-366, released August 2, 1984, the Commission indicated that it would reinstate applications *nunc pro tunc* where the original application was dismissed and where a relatively minor curative amendment was filed in conjunction with a petition for reconsideration within 30 days of the date of the dismissal. Any amendment filed later than 30 days will be returned as untimely. See 47 U.S.C. § 405, 47 C.F.R. § 1.106(f). In this regard, it should be emphasized that the above deficiency was discerned after a preliminary study of the application. A detailed review was not made of the entire application to determine whether other deficiencies exist which would preclude acceptance for filing or result in subsequent dismissal. Inasmuch as the applicant will not be afforded a second opportunity to correct another deficiency, I would urge that the applicant carefully review the entire application.

Sincerely,



Son K. Nguyen,
Supervisory Engineer
Audio Division
Media Bureau

cc: Tarrant Radio Broadcasting, Inc.
William J. Sitzman

³ Tarrant may increase its nighttime power to 200 watts and modify its antenna theoretical RMS to 139.76 mV/m without triggering the coverage requirement for a Class B station.